

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:14-cv-01200-KBJ**

PAVEMENT COATINGS TECHNOLOGY COUNCIL v.
UNITED STATES GEOLOGICAL SURVEY
Assigned to: Judge Ketanji Brown Jackson
Cause: 05:552 Freedom of Information Act

Date Filed: 07/16/2014
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**PAVEMENT COATINGS
TECHNOLOGY COUNCIL**

represented by **David A. Kanter**
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V.

Defendant

**UNITED STATES GEOLOGICAL
SURVEY**

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TERMINATED: 01/16/2015

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Date Filed	#	Docket Text
07/16/2014	<u>1</u>	COMPLAINT <i>FOR INJUNCTIVE RELIEF</i> against UNITED STATES GEOLOGICAL SURVEY (Filing fee \$ 400 receipt number 0090-3780203) filed by PAVEMENT COATINGS TECHNOLOGY COUNCIL. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G,

		# <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Civil Cover Sheet, # <u>11</u> Summons U.S. Attorney for D.C., # <u>12</u> Summons U.S. AG, # <u>13</u> Summons U.S. Geological Survey)(Kanter, David) (Entered: 07/16/2014)
07/16/2014	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by PAVEMENT COATINGS TECHNOLOGY COUNCIL (Kanter, David) (Entered: 07/16/2014)
07/16/2014		Case Assigned to Judge Ketanji Brown Jackson. (md,) (Entered: 07/16/2014)
07/16/2014	<u>3</u>	SUMMONS (3) Issued Electronically as to UNITED STATES GEOLOGICAL SURVEY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons 2nd, # <u>2</u> Summons 3rd, # <u>3</u> Notice of Consent, # <u>4</u> Consent Form) (md,) (Entered: 07/16/2014)
07/28/2014	<u>4</u>	GENERAL ORDER AND GUIDELINES FOR CIVIL CASES BEFORE JUDGE KETANJI BROWN JACKSON. The Court will hold the parties and counsel responsible for following these directives; failure to conform to this Order may, when appropriate, result in the imposition of sanctions. Signed by Judge Ketanji Brown Jackson on 07/28/2014. (lckbj1) (Entered: 07/28/2014)
08/20/2014	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General July 29, 2014. (Kanter, David) (Entered: 08/20/2014)
08/20/2014	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/4/2014. Answer due for ALL FEDERAL DEFENDANTS by 9/3/2014. (Kanter, David) (Entered: 08/20/2014)
08/20/2014	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES GEOLOGICAL SURVEY served on 8/3/2014 (Kanter, David) (Entered: 08/20/2014)
09/03/2014	<u>8</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES GEOLOGICAL SURVEY (Attachments: # <u>1</u> Text of Proposed Order)(Interrante, John) (Entered: 09/03/2014)
09/08/2014		MINUTE ORDER granting, for good cause shown, <u>8</u> consent Motion for Extension of Time to Answer, nunc pro tunc to 9/3/2014. Defendant shall answer or otherwise respond to the Complaint by 10/3/2014. Signed by Judge Ketanji Brown Jackson on 09/08/2014. (lckbj1) (Entered: 09/08/2014)
10/01/2014	<u>9</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES GEOLOGICAL SURVEY (Attachments: # <u>1</u> Text of Proposed Order)(Interrante, John) (Entered: 10/01/2014)
10/02/2014		MINUTE ORDER granting <u>9</u> Motion for Extension of Time to Answer. Defendant shall answer or otherwise respond to the complaint by 10/17/2014. Signed by Judge Ketanji Brown Jackson on 10/2/2014. (lckbj1) (Entered: 10/02/2014)
10/02/2014		Set/Reset Deadlines: Answer to the Complaint due by 10/17/2014, (hs) (Entered: 10/02/2014)
10/17/2014	<u>10</u>	ANSWER to Complaint by UNITED STATES GEOLOGICAL SURVEY.(Interrante, John) (Entered: 10/17/2014)
10/28/2014		MINUTE ORDER. Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall promptly confer and file a joint proposed schedule for briefing or disclosure, by 11/11/2014. Signed by Judge Ketanji Brown Jackson on 10/2//2014. (lckbj1) (Entered: 10/28/2014)
11/12/2014	<u>11</u>	STATUS REPORT (<i>Joint</i>) by UNITED STATES GEOLOGICAL SURVEY. (Interrante, John) (Entered: 11/12/2014)
11/14/2014		MINUTE ORDER. On October 2, 2014, this Court ordered the parties to submit a joint proposed schedule for briefing or disclosure. The parties have responded by representing that they are in the process of negotiating over the documents at issue and have requested filing a further status report rather than a briefing schedule at this time.

		In light of the parties' attempts to resolve this matter entirely, or at least to narrow the issues before the Court, it is hereby ORDERED that the parties shall file a joint status report on or before December 11, 2014. Signed by Judge Ketanji Brown Jackson on 11/14/2014. (lckbj3,) (Entered: 11/14/2014)
12/11/2014	<u>12</u>	STATUS REPORT (<i>Joint</i>) by UNITED STATES GEOLOGICAL SURVEY. (Interrante, John) (Entered: 12/11/2014)
12/16/2014		MINUTE ORDER. Based on the parties' representation in their <u>12</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further status report by 1/16/2015, which shall include a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 12/16/2014. (lckbj1) (Entered: 12/16/2014)
01/16/2015	<u>13</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Joshua M. Kolsky on behalf of UNITED STATES GEOLOGICAL SURVEY Substituting for attorney John G. Interrante (Kolsky, Joshua) (Entered: 01/16/2015)
01/16/2015	<u>14</u>	STATUS REPORT by PAVEMENT COATINGS TECHNOLOGY COUNCIL. (Kanter, David) (Entered: 01/16/2015)
01/20/2015		MINUTE ORDER. Based on the parties' representation in their <u>14</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further status report by 5/8/2015, which shall include a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 1/20/2015. (lckbj1) (Entered: 01/20/2015)
05/08/2015	<u>15</u>	STATUS REPORT (<i>JOINT</i>) by PAVEMENT COATINGS TECHNOLOGY COUNCIL. (Kanter, David) (Entered: 05/08/2015)
05/11/2015		MINUTE ORDER. Based on the parties' representation in their <u>15</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further status report by 7/24/2015, which shall include a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 05/11/2014. (lckbj1) (Entered: 05/11/2015)
05/11/2015		Set/Reset Deadlines: Status Report due by 7/24/2015 (tj) (Entered: 05/11/2015)
07/24/2015	<u>16</u>	STATUS REPORT (<i>JOINT</i>) by PAVEMENT COATINGS TECHNOLOGY COUNCIL. (Attachments: # <u>1</u> Supplement Proposed Scheduling Order)(Kanter, David) (Entered: 07/24/2015)
09/18/2015	<u>17</u>	Consent MOTION to enter previously submitted briefing schedule re <u>16</u> Status Report (<i>Joint</i>) by PAVEMENT COATINGS TECHNOLOGY COUNCIL (Attachments: # <u>1</u> Exhibit Exhibit 1 – Proposed Order)(Kanter, David) (Entered: 09/18/2015)
09/23/2015		MINUTE ORDER granting <u>17</u> Motion to Enter briefing schedule. Defendant's Motion for Summary Judgment is due by 11/23/2015. Plaintiff's Consolidated Opposition and Cross–Motion for Summary Judgment is due by 1/22/2016. Defendant's Consolidated Reply and Opposition to Plaintiff's Cross–Motion is due by 3/7/2016. Plaintiff's Reply in Support of Cross Motion is due by 4/6/2016. Signed by Judge Ketanji Brown Jackson on 09/23/2015. (lckbj1) Modified event title on 9/24/2015 (znmw). (Entered: 09/23/2015)
11/19/2015	<u>18</u>	Consent MOTION for Extension of Time to <i>File Summary Judgment Motion</i> by UNITED STATES GEOLOGICAL SURVEY (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 11/19/2015)
11/23/2015		MINUTE ORDER granting, for good cause shown <u>18</u> Consent Motion for Extension of Time to File Summary Judgment Motion. It is hereby ORDERED that the briefing schedule in this matter is modified as follows: Defendant's Motion for Summary Judgment is due by 1/22/2016. Plaintiff's Consolidated Opposition and Cross–Motion for Summary Judgment is due by 3/22/2016. Defendant's Consolidated Reply and Opposition to Plaintiff's Cross–Motion is due by 5/6/2016. Plaintiff's Reply in Support of Cross Motion is due by 6/6/2016. Signed by Judge Ketanji Brown Jackson on 11/23/2015. (lckbj1) (Entered: 11/23/2015)

01/20/2016	<u>19</u>	Unopposed MOTION for Extension of Time to File <i>Summary Judgment Motion</i> by UNITED STATES GEOLOGICAL SURVEY (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 01/20/2016)
02/02/2016		MINUTE ORDER granting, for good cause shown <u>19</u> Consent Motion for Extension of Time to File Summary Judgment Motion, nunc pro tunc. It is hereby ORDERED that the briefing schedule in this matter is modified as follows: Defendant's Motion for Summary Judgment is due by 2/2/2016. Plaintiff's Consolidated Opposition and Cross-Motion for Summary Judgment is due by 4/4/2016. Defendant's Consolidated Reply and Opposition to Plaintiff's Cross-Motion is due by 5/19/2016. Plaintiff's Reply in Support of Cross Motion is due by 6/206/2016. Signed by Judge Ketanji Brown Jackson on 2/2/2016. (lckbj1) (Entered: 02/02/2016)
02/02/2016	<u>20</u>	MOTION for Summary Judgment by UNITED STATES GEOLOGICAL SURVEY (Attachments: # <u>1</u> Declaration (Mahler), # <u>2</u> Declaration (Van Metre), # <u>3</u> Declaration (May), # <u>4</u> Exhibit (Vaughn Index), # <u>5</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 02/02/2016)
03/30/2016	<u>21</u>	Consent MOTION for Extension of Time to File Response/Reply <i>and Cross-Motion for Summary Judgment</i> by PAVEMENT COATINGS TECHNOLOGY COUNCIL (Attachments: # <u>1</u> Text of Proposed Order Scheduling Order)(Kanter, David) (Entered: 03/30/2016)
04/05/2016		MINUTE ORDER granting, for good cause shown, <u>21</u> Motion for Extension of Time to File Response re <u>20</u> Motion for Summary Judgment. It is hereby ORDERED that the briefing schedule in this matter is modified as follows: Plaintiff's Consolidated Opposition and Cross-Motion for Summary Judgment is due by 5/16/2016. Defendant's Consolidated Reply and Opposition to Plaintiff's Cross-Motion is due by 6/30/2016. Plaintiff's Reply in Support of Cross Motion is due by 8/2/2016. Signed by Judge Ketanji Brown Jackson on 04/05/2016. (lckbj1) (Entered: 04/05/2016)
04/06/2016		Set/Reset Deadlines: Reply to Cross Motion due by 8/2/2016. (gdf) (Entered: 04/06/2016)
05/16/2016	<u>22</u>	Joint CROSS MOTION for Summary Judgment by PAVEMENT COATINGS TECHNOLOGY COUNCIL (Attachments: # <u>1</u> Affidavit Declaration of Anne LeHuray, # <u>2</u> Text of Proposed Order Proposed Order)(Kanter, David) Modified on 5/17/2016 (jf). (Entered: 05/16/2016)
05/17/2016		NOTICE OF ERROR re <u>22</u> Motion for Summary Judgment; emailed to dkanter@smbtrials.com, cc'd 3 associated attorneys — The PDF file you docketed contained errors: 1. Two-part docket entry, 2. Please refile document, 3. Same Document(s) using the (Entered: 05/17/2016)
05/17/2016	<u>23</u>	Memorandum in opposition to re <u>20</u> MOTION for Summary Judgment filed by PAVEMENT COATINGS TECHNOLOGY COUNCIL. (Attachments: # <u>1</u> Affidavit Declaration of Anne LeHuray, # <u>2</u> Text of Proposed Order Proposed Order)(Kanter, David) (Entered: 05/17/2016)
06/27/2016	<u>24</u>	Unopposed MOTION for Extension of Time to File <i>Combined Summary Judgment Opposition-Reply</i> by UNITED STATES GEOLOGICAL SURVEY (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 06/27/2016)
06/30/2016		MINUTE ORDER granting, for good cause shown, <u>24</u> Unopposed Motion for Extension of Time to File Combined Summary Judgment Reply and Opposition to Cross-Motion for Summary Judgment. It is hereby ORDERED that Defendant shall file its consolidated reply in further support of its motion for summary judgment and opposition to Plaintiff's cross-motion for summary judgment on or before 7/21/2016. Signed by Judge Ketanji Brown Jackson on 06/30/2016. (lckbj1,) (Entered: 06/30/2016)
06/30/2016		MINUTE ORDER. In the interest of judicial efficiency, and in light of the volume of documents at issue in the FOIA matter and the parties' corresponding need for additional time to complete summary judgment briefing, it is hereby ORDERED that this case is administratively STAYED until all dispositive motions have been fully briefed. It is FURTHER ORDERED that the following amended schedule shall govern briefing for the parties' remaining submissions (the deadlines with respect to which are not affected by the stay in this case): (1) As set forth in the minute order of 6/30/2016,

		Defendant's consolidated reply in further support of its motion for summary judgment and opposition to Plaintiff's cross-motion for summary judgment is due on or before 7/21/2016; and (2) Plaintiff's reply in further support of its cross-motion for summary judgment is due on or before 8/22/2016. The parties are on notice that the Court does not intend to grant any further motions for extensions of time to file any submissions related to dispositive motions, absent exceptional circumstances. Signed by Judge Ketanji Brown Jackson on 06/30/2016. (lckbj1) (Entered: 06/30/2016)
07/01/2016		Set/Reset Deadlines: Reply to Cross Motions due by 8/22/2016. Replies due by 7/21/2016. (tj) (Entered: 07/01/2016)
07/21/2016	<u>25</u>	Memorandum in opposition to re <u>22</u> Joint MOTION for Summary Judgment (<i>Cross-Motion</i>) and <i>Opposition to Defendant's Motion for Summary Judgment</i> filed by UNITED STATES GEOLOGICAL SURVEY. (Attachments: # <u>1</u> Declaration (Van Metre), # <u>2</u> Declaration (May))(Kolsky, Joshua) (Entered: 07/21/2016)
07/21/2016	<u>26</u>	REPLY to opposition to motion re <u>20</u> MOTION for Summary Judgment filed by UNITED STATES GEOLOGICAL SURVEY. (Attachments: # <u>1</u> Declaration (Van Metre), # <u>2</u> Declaration (May))(Kolsky, Joshua) (Entered: 07/21/2016)
08/08/2016	<u>27</u>	Consent MOTION for Leave to File <i>its Statement of Material Facts Not in Dispute and its Response to Defendant's Statement of Material Facts Not in Dispute</i> by PAVEMENT COATINGS TECHNOLOGY COUNCIL (Attachments: # <u>1</u> Exhibit EXHIBIT 1 TO MOTION, # <u>2</u> Exhibit EXHIBIT A TO EXHIBIT 1, # <u>3</u> Text of Proposed Order PROPOSED ORDER)(Kanter, David) (Entered: 08/08/2016)
08/11/2016		MINUTE ORDER granting Plaintiff's <u>27</u> Consent Motion for Leave to File Statement of Material Facts Not in Dispute and Response to Defendant's Statement of Material Facts Not in Dispute. Signed by Judge Ketanji Brown Jackson on 08/11/2016. (lckbj1) (Entered: 08/11/2016)
08/11/2016	<u>28</u>	Statement of Material Facts Not in Dispute and Response to Defendant's Statement of Facts Not in Dispute re <u>22</u> Joint MOTION for Summary Judgment (<i>Cross-Motion</i>) and <i>Opposition to Defendant's Motion for Summary Judgment</i> by PAVEMENT COATINGS TECHNOLOGY COUNCIL (Kanter, David) Modified on 8/12/2016 (jf). (Entered: 08/11/2016)
08/11/2016	<u>29</u>	RESPONSE re <u>20</u> MOTION for Summary Judgment <i>Doc. 23 – omitted attachment: Plaintiff's Statement of Material Facts Not in Dispute and Response to Defendant's Statement of Facts Not in Dispute</i> filed by PAVEMENT COATINGS TECHNOLOGY COUNCIL. (Kanter, David) (Entered: 08/11/2016)
08/22/2016	<u>30</u>	REPLY to opposition to motion re <u>22</u> Joint MOTION for Summary Judgment (<i>Cross-Motion</i>) and <i>Opposition to Defendant's Motion for Summary Judgment (PLAINTIFF'S REPLY IN SUPPORT OF ITS CROSS-MOTION FOR SUMMARY JUDGMENT)</i> filed by PAVEMENT COATINGS TECHNOLOGY COUNCIL. (Attachments: # <u>1</u> Declaration Supplemental Declaration of Anne LeHuray, PhD.)(Kanter, David) Modified event title on 8/23/2016 (znmw). (Entered: 08/22/2016)
08/29/2016	<u>31</u>	RESPONSE to <i>Plaintiff's Statement of Material Facts Not in Dispute</i> filed by UNITED STATES GEOLOGICAL SURVEY. (Attachments: # <u>1</u> Declaration)(Kolsky, Joshua) (Entered: 08/29/2016)
01/13/2017	<u>32</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by PAVEMENT COATINGS TECHNOLOGY COUNCIL (Kanter, David) (Entered: 01/13/2017)
12/18/2018	<u>33</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Paul Cirino on behalf of UNITED STATES GEOLOGICAL SURVEY Substituting for attorney Joshua M. Kolsky (Cirino, Paul) (Entered: 12/18/2018)
11/01/2019	<u>34</u>	MOTION for Telephone Status Conference by PAVEMENT COATINGS TECHNOLOGY COUNCIL (Attachments: # <u>1</u> Text of Proposed Order for telephonic status conf, # <u>2</u> Notice to Counsel/Party notice of filing)(Kanter, David) . (Entered: 11/01/2019)
11/13/2019	<u>35</u>	ORDER granting <u>20</u> Defendant's Motion for Summary Judgment; denying <u>22</u> Plaintiff's Cross Motion for Summary Judgment; finding as moot <u>34</u> Motion for

		Telephone Conference. Memorandum Opinion to be issued shortly, absent unforeseen circumstances. Signed by Judge Ketanji Brown Jackson on 11/13/2019. (lckbj2) (Entered: 11/13/2019)
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